IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17456 of 2021

Arising Out of PS. Case No.-14 Year-2017 Thana- C.B.I CASE District- Patna

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PRADYUT KUMAR BISWAS @ P.K. BISWAS @ VISHWAS S/o Shri Kalipada Biswas Retired Assistant Branch Manager Indian Bank, Shyam Bazar, Kolkata- 700004 presently residing at Annapurna, 14/23, Bose Pukur Road, Flat No.2A, 2nd floor, Kolkata, West Bengal 700042

... ... Petitioner/s

Versus

THE CENTRAL BUREAU OF INVESTIGATION

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Shankar Choudhary

For the Opposite Party/s : Mr. Bipin Kumar Sinha, SC for CBI

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

8 17-01-2022 Heard learned counsel for the petitioner and learned Standing Counsel for the C.B.I. though video conferencing.

The petitioner has preferred this application for grant of regular bail in connection with Special Case no. 12 of 2020 (arising out of RC 14A/17) registered under sections 120B, 409, 420, 467, 468 and 471 of the Indian Penal Code and sections 13(2) read with 13(1)(d) of the Prevention of Corruption Act.

As per the prosecution case, in furtherance of larger conspiracy cheque book series nos. 265876 to 265900 was issued by Sri Ram Krishna Jha the then clerk and the petitioner herein, the then officer in the Indian Bank, Bhagalpur. Different cheques were passed jointly by the petitioner and by one Sri Deo Shankar Mishra. A total amount of Rs. 15 crores were diverted from the account of District Magistrate, Bhagalpur to the account of SMVSSL on the basis of forged signature of the then District Magistrate, Bhagalpur. The accused abused their financial position and facilitated pecuniary advantage to SMVSSL. This came to be known as Srijan scam and a number of cases were registered with respect to misappropriateion of government funds.

It is submitted by learned counsel for the petitioner that the petitioner has been made accused in a number of cases in connection with the Srijan scam, in his capacity as the Assistant Manager in the Bhagalpur Branch of the Indian Bank. It is submitted that the account of SMVSSL and the District Magistrate was opened in the year 2003 while the petitioner joined in 2009. Sri Ram Krishna Jha has been enlarged on bail vide order dated 27.8.2021 (Annexure-5) passed in Cr. Misc. No. 13523 of 2021. The petitioner is in custody since 9.9.2019. Chargesheet has been filed in the case. Cognizance not having been taken awaiting sanction, there is no chance of the trial concluding in the near future.

The application for bail is opposed by learned Standing Counsel for the CBI who submits that the allegations against the petitioner are serious in nature. It was on passing of the cheque by the petitioner and Dev Shankar Mishra and filing of transaction slips in favour of SMVSSL that large amounts were diverted from the account District Magistrate, Bhagalpur to the account of SMVSSL on the basis of forged signature of the then District Magistrate, Bhagalpur and the accused abused his official position and facilitated pecuniary advantage to SMVSSL.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the materials on record, grant of bail to the above mentioned co-accused Ram Krishna Jha, the petitioner being in custody since 9.9.2019 and chargesheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Special Case no. 12 of 2020 (RC 14/A/2017) on furnishing bail bond of Rs.10,000/ (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, CBI II, Patna

(Partha Sarthy, J)

Spd/-

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